

**State of Wisconsin**  
**DEPARTMENT OF REGULATION AND LICENSING**  
**Scope Statement**  
**Marriage and Family Therapy, Professional Counseling and Social**  
**Work Examining Board**

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August, 2010

**Subject:**

Revise ch. MPSW 20 to define the failure to have a grievance procedure and the failure of a supervising credential holder to report adverse or disciplinary action related to professional practice as unprofessional conduct. The code of conduct will include the following provisions:

1. Failure of a credential holder to notify a client in writing of a procedure to resolve a grievance is unprofessional conduct.
2. Failure of a supervising credential holder to file a report with the board after terminating, suspending or restricting a credential holder as a result of adverse or disciplinary action related to professional practice is unprofessional conduct. Failure to file a report when a credential holder terminates employment before action is taken also constitutes unprofessional conduct.

**POLICY ISSUES:**

**Objective of the Rule**

The objective of the rule is to amend ch. MPSW 20 which defines unprofessional conduct. The new amendment will define the failure to have a grievance procedure and the failure of a supervising credential holder to report adverse or disciplinary action related to professional practice as unprofessional conduct. Defining the failure to comply with ss. 457.04 (8) and 457.25, Stats., as unprofessional conduct will likely increase statutory compliance.

**Existing Policies Relevant to the Rule, New Policies Proposed and Analysis of Policy Alternatives.**

Under s. 457.04 (8), Stats., marriage and family therapists, professional counselors and clinical social workers must notify their clients in writing of the procedures to follow to resolve a grievance.

Under s. 457.25, Stats., any health care agency, institution, state or local professional society, person or entity that terminates, suspends or restricts the employment or contract of a license holder as a result of adverse or disciplinary action in the practice of the profession shall submit a written report of the action to the board within 30 days after the date on which the action is taken or, if grounds for such an action exist and the credential holder terminates his or her employment before the action is taken, within 30 days after the date on which the credential holder terminates employment.

The board would like to raise awareness of these statutory provisions by defining the failure to report and failure to have a grievance resolution procedure as unprofessional conduct under the code of conduct.

Continuing education classes and the code of conduct are required as a condition of renewal. Thus, license holders will become aware of their obligations under the code of conduct when they renew their license each biennium. In this way, license holders will review what constitutes unprofessional conduct at least on a biennial basis. By incorporating the specific statutory provisions into the code of conduct, license holders are more likely to be aware of their legal obligations and to conduct themselves accordingly.

**Statutory authority.**

Sections 15.08 (5) (b) & (6); 227.11 (2) and 457.03 (1), Stats.

**Existing or proposed federal legislation.**

None.

**Entities affected by the rule.**

Marriage and family counselors, professional counselors and social workers (credential holders).

**Estimate the amount of state employee time and any other resources that will be necessary to develop the rule.**

Approximately 120 hours.